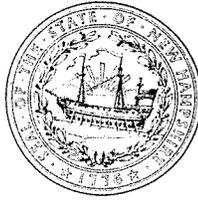


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THE STATE OF NEW HAMPSHIRE



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December 08, 2011

Sean Faulds
Manager, Ancillary Services & Renewable Energy
Brookfield Renewable Power, Inc.
480 de la Cite Blvd.
Gatineau, Quebec J8T 8R3
CANADA

Re: DE#11-259 Fulton Development, Oswego River Hydroelectric Project and
DE#11-260 Yaleville Hydroelectric Project, Raquette River

Dear Mr. Faulds:

On November 28, 2011, the New Hampshire Public Utilities Commission (Commission) received an application from Brookfield Renewable Power, Inc., requesting Class IV renewable energy certification for the Fulton Development, Oswego River Hydroelectric Project and for the Yaleville Hydroelectric Project, on the Raquette River as eligible sources pursuant to RSA 362-F, New Hampshire's Renewable Portfolio Standard law. Staff has reviewed your application and has noted the following items that must be addressed before your applications can be considered for Renewable Energy Certification:

1. To qualify as a facility eligible to acquire RECs, PUC 2504.01 states:
 - (a) *Certificates purchased or sold pursuant to this chapter shall; pursuant to RSA 362-F-6, IV, originate from:*
 - (1) *Sources within the New England Control area; or*
 - (2) *Sources in a control area adjacent to the New England control area, provided that the energy is delivered within the New England control area and such delivery is verified by submitting to the Commission:*
 - a. *Documentation of a unit-specific bilateral contract or other legally enforceable obligation that is executed between the source owner, operator, or authorized agent and an electric energy purchaser located*

- within the New England control area for delivery of the source's electric energy to the New England control area;*
- b. Proof of associated transmission rights for delivery of the source's electric energy from the generation unit of the source through the adjacent control area to the New England control area;*
 - c. Documentation that the electrical energy delivered was settled in the ISO-New England wholesale market system;*
 - d. Documentation that the source produced, during each hour of the applicable month, the amount of megawatt-hours claimed as verified by the GIS administrator; and,*
 - e. Confirmation that the electrical energy delivered under the legal obligation received a North American Electric Reliability Corporation tag from the originating control area to the New England control area.*

Neither of the Brookfield projects are located within the New England Control area. The required documentation outlined above for the Fulton Development project and for the Yaleville Project has not been provided.

- 2. *Puc 2505.02 (b)(5) requires the source to demonstrate its eligibility by providing a description of the facility including fuel type, gross nameplate generation capacity, the initial commercial operation date, and the date it began operation, if different.*
 - a. The Fulton Project application states that the facility generates 1.25 MW of electricity, but there is no backup documentation demonstrating that this is the case.
 - b. While it is clear that the Fulton facility was originally built in 1884, the operation date is not clear.
 - c. The Yaleville Project application states that the facility generates 700 kW of electricity but there is no backup documentation demonstrating that this is the case.
 - d. Again the original date of 1914 is given but the current approval date for operation is difficult to determine.
- 3. *RSA 362-F: 4, IV requires that facilities certified to produce Class IV RECs, to have actually installed both upstream and downstream diadromous fish passages. The Fulton Development uses portable fish passages approved by FERC order 2474. **The Commission has not wavered from this requirement.***
- 4. *Puc 2505.02 (b)(8) requires that the applicant provide an interconnection agreement. This documentation was not provided for either application.*
- 5. *Puc 2505.02 (b)(10) requires a description of how the generation facility is connected to the distribution utility. This documentation was not provided for either application.*

6. *Puc 2505.02 (b)(14)* requires a signed affidavit. This was provided but the name of the signatory was not provided and the signature is illegible.

These items must be received by the Commission to complete your application. Until such time, it will not be processed. **Please also note that review of future applications would be greatly expedited if the supplemental information documents were referenced in the application response.**

If the requested information and documentation are not provided within ten business days, your file will be closed without prejudice. Please refer to docket numbers DE 11-259 for the Fulton Development Project and DE 11-260 for the Yaleville Hydroelectric Project in all future correspondence with the Commission. Should you have any questions, please do not hesitate to contact me. My phone number is 603-271-6011 and my e-mail address is barbara.bernstein@puc.nh.gov.

Your formal response, including and original and two copies, should be sent to:

Debra A. Howland
Executive Director & Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Sincerely,



Barbara Bernstein
Sustainable Energy Analyst

cc: Suzanne Amidon, NHPUC Staff Attorney